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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,195	11/13/2001	Srinivas Gutta	US010575	3005

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
ALVAREZ, RAQUEL	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/014,195	GUTTA ET AL.	
	Examiner	Art Unit	
	Raquel Alvarez	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *10-17,19,21 and 25-33* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,18,20 and 22-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 4/9/2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6, 7-9, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Linden et al. (6,266,649 hereinafter Linden).

With respect to claims 1-4, 7-9, 18, 20, Linden teaches a method for updating a user profile indicating preferences of a user, comprising executing the following operations in a data processing device (i.e. the items preferred by the user is saved in a user's database)(Figure 5, item 192); obtaining a third party selection indicating items that are selected by at least one third party (i.e. identifying items that have been selected by other users)(Figure 5, item 180); partitioning said third party selection history into clusters of items(i.e. the items are placed into different categories or labels , such as non-fiction, Jazz, comedy, etc. (col. 14, lines 15-34); receiving a selection from said user of at least one of said clusters (i.e. the users selects the group from which he wants a recommendation from)(col. 14, lines 15-34); updating said user profile with items from said at least one selected cluster (i.e. the user's purchases and selections of

wants a recommendation from)(col. 14, lines 15-34); updating said user profile with items from said at least one selected cluster (i.e. the user's purchases and selections of a particular group of items is saved and is used to generate further recommendations to the user)(col. 14, lines 15-34 and col. 15, lines 53-62).

With respect to claim 6, Linden further teaches that the user profile indicates viewing preferences of said user (col. 5, lines 37-42).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden.

Claim 5 further recites employing a k-means clustering routine. Official notice is taken that it is old and well known to employ a means routine because such a modification would provide a midway position or average value. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have

included employing a k-means clustering routine in order to obtain the above mentioned advantage.

Claims 22-24 further recite weighting items from the user's own selection more heavily than items from third party selection history. Official notice is taken that it is old and well known to give more weight to a person's purchase history than the profile of other users. For example, couples without children are assumed to buy more wine or the like based on previous purchase history of other couples but if a particular couple is not consuming wine or the like then they will not receive a wine coupon. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included weighting items from the user's own selection more heavily than items from third party selection history in order to better target the user based on their likes/dislikes.

Response to Arguments

5. The 101 rejection has been withdrawn.

6. Applicant argues that Linden doesn't teach obtaining a third party selection history indicating items that are selected by at least one third party. The Examiner respectfully disagrees with Applicant because Linden teaches "The similarities reflected by the tables are based on the collective interest of the community of users"(Abstract), "The present invention addresses these and other problems...generating personalized

recommendation of items based on the collective interest of a community of users"(col. 2, lines 33-37)and col. 8, lines 64- to col. 9, lines 1-15.

7. With respect to the official notice taken by the Examiner that employing a k-means routine and to weigh items from the user's own selection history more heavily than items from third party selections are both well known. Applicant asserts that Linden does not teach such functions ,but this is not relevant to the use of Official Notice. While applicant may challenge the examiner's use of Official Notice, applicant needs to provide a proper challenge that would at least cast reasonable doubt on the fact taken notice of. See MPEP 2144.03 where In re Boon is mentioned.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of contact

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
6/5/2006